



# PUBLIC NOTICE

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## INTERNATIONAL BUREAU ANNOUNCES EFFECTIVE DATE FOR NEW INFORMATION REQUIREMENTS IN THE 17/24 GHZ BROADCASTING-SATELLITE SERVICE AND ESTABLISHES FILING DEADLINE FOR PENDING APPLICATIONS AND CURRENT AUTHORIZATIONS

On June 14, 2011, the Commission released a Second Report and Order in IB Docket No. 06-123 adopting new technical rules and information requirements for the 17/24 GHz Broadcasting-Satellite Service (BSS) to mitigate space path interference from 17/24 GHz BSS space-to-Earth transmitting antennas into Direct Broadcast Satellite Service Earth-to-space receiving antennas operating in the same band.<sup>1</sup> The Second Report and Order was published in the Federal Register on August 15, 2011.<sup>2</sup> While most of the new rules became effective 30 days after Federal Register publication on September 14, 2011, the Paperwork Reduction Act (PRA) of 1995<sup>3</sup> requires certain additional approvals before new information requirements can come into effect. The Commission received PRA approval and established an effective date for the new informational requirements of March 15, 2012.<sup>4</sup>

The new information requirements adopted in the Second Report and Order are codified in Sections 25.114(d)(15)(iv), 25.114(d)(18), 25.264(a), (b), (c), (d) and (f) of the Commission rules.<sup>5</sup> To assist current and future 17/24 GHz BSS applicants and existing 17/24 GHz BSS authorization holders in complying with the new requirements, we provide the following guidance:

New 17/24 GHz BSS applicants are reminded that any application filed on or after March 15, 2012, must comply with all rules in effect on the date the application is filed, including the new information requirements adopted in the Second Report and Order.

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<sup>1</sup> The Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band, *Order on Reconsideration*, IB Docket No. 06-123, FCC 11-93 (rel. June 14, 2011) (*17/24 GHz Second R&O*).

<sup>2</sup> 76 Fed. Reg. 50425 (August 15, 2011).

<sup>3</sup> 44 U.S.C. § 3507.

<sup>4</sup> 76 Fed. Reg. 79110 (December 21, 2011).

<sup>5</sup> 47 C.F.R. §§ 25.114(d)(15)(iv), 25.114(d)(18), 25.264(a), (b), (c), (d) and (f). We remind applicants and authorization holders that all U.S. DBS space stations must be treated as prior-filed in accordance with 47 C.F.R. § 25.264(b)(1).

Each applicant with a pending 17/24 GHz BSS application must file a conforming amendment to its pending application[s] by March 15, 2012. The amendment must demonstrate that the proposed system complies with all the rules adopted by the Commission in the Second Report and Order. Failure to file a conforming amendment will result in the dismissal of the application as defective.

Each current 17/24 GHz BSS authorization holder is directed to file a conforming modification to its authorization[s] no later than March 15, 2012. The modification application must demonstrate that the authorized system complies with all rules adopted by the Commission in the Second Report and Order. If the modification to the current authorization is not filed by the deadline, the authorization holder may be deemed to be in violation of the conditions in its authorization.

We remind applicants and authorization holders that at least nine months prior to launch, they must provide the measured data<sup>6</sup> required in sections 25.264(c) and (d) of the Commission's rules.<sup>7</sup> Applicants or authorization holders filing measured data with the Commission by March 15, 2012, do not need to file the predicted data required in sections 25.264(a) and (b) of the Commission's rules.<sup>8</sup>

Applicants and authorization holders filing amendment or modification applications to conform with the requirements adopted in the Second Report and Order must state whether the remaining information on file with the Commission in the pending application or current authorization has changed. If the remaining information has not changed, no fee will be required for the amendment or modification application. If the remaining information has changed, the applicant or authorization holder must file revised schedules and narratives with their application and a fee will be required for the amendment or modification application.

Amendment and modification applications must be filed electronically through the International Bureau Filing System (IBFS) in accordance with the applicable provisions of part 1, subpart Y of chapter 25 of the Commission's Rules.<sup>9</sup> Applications that are found to be substantially complete will be placed on public notice as accepted for filing.<sup>10</sup> Applications that are not substantially complete will be returned to the applicant as defective.

For further information, contact Lynne Montgomery, Attorney Advisor, Satellite Division, at 202-418-2229.

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<sup>6</sup> *17/24 GHz Second R&O*, at 24, ¶ 50.

<sup>7</sup> 47 C.F.R. § 25.264(c) and (d).

<sup>8</sup> 47 C.F.R. § 25.264(a) and (b).

<sup>9</sup> 47 C.F.R. §§ 25.116(e), 26.117(c).

<sup>10</sup> *17/24 GHz Second R&O*, at 29, ¶ 62.